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EXAMINER	
BURLESON, MICHAEL L	
ART UNIT	**PAPER NUMBER**
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/731,157	SALGADO, DAVID A.	
	Examiner	Art Unit	
	Michael Burleson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-9 and 11-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *11* is/are allowed.

6)☒ Claim(s) *1-4,6-9 and 12-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 10, 2005 have been fully considered but they are not persuasive.

2. Regarding claim 12, Based upon further examination of claim 12, Examiner found that claim 12 does not contain allowable subject matter and is now rejected along with claim 20 and dependent claims 6-9.

3. Regarding claim 13, Applicant states that claim 13 explicitly calls for "a portion deleter operative... to remove the at least one unwanted portion of the input image data..." (page 7,1st paragraph). This is based upon the prior allowability of claim 12, since claim 12 has now been rejected; arguments persuasive to the allowability of claims 13-19 are now moot.

4. Regarding claim 1, Applicant states that the prior art reference of Nishii fails to teach of "establishing a characteristic of a page indicative of an unwanted page" (page 7,3rd paragraph). Nishii teaches of a blank page output mode (5) for setting a blank page output mode in which a blank page is detected (column 5, lines 1-5). Setting a blank page mode can clearly be read as establishing a characteristic. Applicant states

that the prior art reference of Nishii does not teach, "an input stream is monitored to detect data representative of a characteristic that has been established as indicative of an arbitrary unwanted page" or "identify pages containing the detected data". Examiner believes the reference of Nishii does teach of monitoring an input stream to detect an unwanted page. Nishii teaches of an interpreting section (9) that interprets input data based on the mode that is set (column 5,lines 15-20 and 40-45), which reads on monitoring the input data to detect data representative of a characteristic (blank page output mode (5)) that has been established as an unwanted page. The blank page detector (10) detects blank pages from the input data (figures 2 and 5 and column 6,lines 66-67 and column 7,lines 1-5), which reads on identifying (detecting) pages containing detected data.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1,3,6,7,12-15 and 17-20 rejected under 35 U.S.C. 102(e) as being anticipated by Nishii US 6501556.

1. Regarding claim 1, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted page in an input stream of a printing system job from an output stream of the printing system job by establishing a characteristic of a page indicative of an unwanted page and monitoring the input stream to detect data representative of the characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on identifying one or more pages of the printing system job that contain data representative of the characteristic and removing the identified pages, thereby excluding them from the output stream.

2. Regarding claim 3, Nishii teaches that the interpreting section (9) asks whether to delete the blank page (figure 5), which reads on requesting permission to remove the identified pages.

3. Regarding claim 6, Nishii teaches of a blank page output mode (5) (column 6,lines 1-5), which reads on describing characteristics of a blank sheet.

4. Regarding claim 7, Nishii teaches of a blank page output mode (5) (column 6,lines 1-5), which reads on describing characteristics of a separator sheet.

5. Regarding claim 12, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics and deleting the located portion from the input data to generate output data and delivering the output data to the output stream.

6. Regarding claim 13, Nishii teaches of a blank page detector (10) that detects blank pages (column 6, lines 66-67). He also teaches that once the blank page is detected, the interpreting section (9) deletes the blank page (column 6, lines 55-67, column 7, lines 1-5, figure 5). This reads on a printing system operative to automatically remove unwanted portions of input image data, the printing system comprising: a pattern detector operative to receive a description of an unwanted portion of the input image data, search for a portion of the input image data that corresponds to the unwanted portion description, and relate information about a found portion that corresponds to the description; and a portion deleter operative to receive information

from the pattern detector regarding a location of the at least one unwanted portion of the input image data and to remove the at least one unwanted portion of the input image data to generate output image data.

7. Regarding claim 14, Nishii teaches that the output image data is sent to a page buffer (17) and is then sent to the printing section (18) for printing (column 5,lines 54-55 and figure 2), which reads on an image destination operative to receive the output image data and at least one of, transmit the output image data to another device and generate hard copy corresponding to the output image data.

8. Regarding claim 15, Nishii teaches of a blank page output mode key (5) for detecting a blank page (column 5,lines 3-6), which reads on a default settings repository operative to store and make available to the pattern detector at least one of, a default unwanted portion description and processing procedure information.

9. Regarding claim 17, Nishii teaches of a printer (2) (figure 1B). It is inherent that the printer (2) contains a print engine. This reads on the image destination comprises a print engine.

10. Regarding claim 18, Nishii teaches of a page printer (column 4, lines 44-45), which reads on the image destination comprises a xerographic printer.

11. Regarding claim 19, Motoyama teaches of a fax/telephone processor (column 4, lines 33-40), which reads on the image destination comprises a facsimile modem.

12. Regarding claim 20, Nishii teaches of a blank page output mode (5) which detects a blank page, which is a characteristic of the type of data to be detected (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the

input data to be printed, based on the mode selected the interpreting section (9) looks for the type of data selected by the mode, and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a printing system to automatically exclude an unwanted portions of a job from an output stream comprising means for describing characteristics of the unwanted portions of the job and means for searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on a means for locating a portion of the input image data that has the described characteristics and means for deleting the located portion from the input data to generate output data and means for delivering the output data to the output stream.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Nakajima Toru JP 07-307827.

15. Regarding claim 2, Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28,column 6, lines 66-67, column 7, lines 1-4 and figure 5), which reads on a method operative to automatically exclude a blank page in an input stream of a printing system job from an output stream of the printing system job, the method comprising the steps of detecting data representative of a blank page in the input stream and deleting the data representative of the blank page from the input stream, thereby excluding the blank page from the output stream.

16. Nishii fails to teach of notifying an operator of detected data representative of the characteristic.

17. Nakajima Toru teaches of an advice means that notifies the user of a blank paper (paragraph 0011), which reads on notifying an operator of detected data representative of the characteristic.

18. Nishii could have easily been modified with the advice means of Nakajima Toru. This modification would have been obvious to one skilled in the art at the time of the invention to notify the user of the characteristic when it is detected.

19. Claim 4,8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Motoyama US 5550614.

20. Regarding claim 4, Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28,column 6, lines 66-67, column 7, lines 1-4 and figure 5), which reads on a method operative to automatically

exclude a blank page in an input stream of a printing system job from an output stream of the printing system job, the method comprising the steps of detecting data representative of a blank page in the input stream and deleting the data representative of the blank page from the input stream, thereby excluding the blank page from the output stream.

21. Nishii fails to teach of statistically sampling marking information across data representative of a page.

22. Motoyama teaches of comparing a digital page data to a black spot threshold. Then a blank page counter is incremented if the black spot threshold is not exceeded and the blank page counter is compared to a blank page threshold (column 2, lines 39-45). This reads on statistically sampling marking information across data representative of a page.

Nishii could have easily been modified to sample marking information across a page and detecting a blank page based on sampling to a threshold of Motoyama. This modification would have been obvious to one skilled in the art at the time of the invention to determine unwanted pages.

23. Regarding claim 8, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image

data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics and deleting the located portion from the input data to generate output data and delivering the output data to the output stream.

24. Nishii fails to teach of searching within input image data comprises measuring a percentage of marking of a sheet.

25. Motoyama teaches of comparing a digital page data to a black spot threshold (column 2, lines 39-45), which reads on searching within input image data comprises measuring a percentage of marking of a sheet.

Nishii could have easily been modified to compare a digital page data to a black spot threshold of Motoyama. This modification would have been obvious to one skilled in the art at the time of the invention to determine if the data contains unwanted pages or portions.

26. Regarding claim 9, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a

blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics and deleting the located portion from the input data to generate output data and delivering the output data to the output stream.

27. Nishii fails to teach of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

28. Motoyama teaches of scanning a page to generate digital page data and comparing the digital page data to a black spot threshold (column 2, lines 38-40), which reads on the step of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

Nishii could have easily been modified to scan a page and compare a digital page data to a black spot threshold of Motoyama. This modification would have been obvious to one skilled in the art at the time of the invention to determine if a page contains unwanted pages or portions.

29. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii' US 6501556 in view of Ota US 6233057.

30. Regarding claim 16, Nishii teaches of a blank page detector (10) that detects blank pages (column 6, lines 66-67). He also teaches that once the blank page is detected, the interpreting section (9) deletes the blank page (column 6, lines 55-67, column 7, lines 1-5, figure 5). This reads on a printing system operative to automatically

remove unwanted portions of input image data, the printing system comprising: a pattern detector operative to receive a description of an unwanted portion of the input image data, search for a portion of the input image data that corresponds to the unwanted portion description, and relate information about a found portion that corresponds to the description; and a portion deleter operative to receive information from the pattern detector regarding a location of the at least one unwanted portion of the input image data and to remove the at least one unwanted portion of the input image data to generate output image data.

31. Nishii fails to teach of an pre-collation memory operative to store image data and provide a working area wherein the portion deleter modifies the image data generate output image data.

32. Ota teaches of removing blank pages and re-numbering the pages (figures 2, 3AandB), which reads on an electronic pre-collation memory operative to store image data and provide a working area wherein the portion deleter modifies the image data to generate output image data.

Nishii could have easily been modified to remove blank pages and re-number them of Motoyama. This modification would have been obvious to one skilled in the art at the time of the invention to re-number the pages in the print job once the blank pages have been removed.

Allowable Subject Matter

33. Claim 11 is allowed.

34. Regarding claim 11, prior art fails to teach of notifying an operator that an unwanted portion has been located and accepting one of an authorization and a prohibition from the operator to remove the unwanted portion.

Conclusion

1. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471.

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Michael Burleson
Patent Examiner
Art Unit 2626

Mlb
June 16, 2005